



2-1

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: PLANNING COMMISSION

FROM: WARREN HOAG, DEPARTMENT OF PLANNING AND BUILDING

DATE: APRIL 27, 2006

SUBJECT: TIME EXTENSION FOR TRACT MAP

SUMMARY

The attached time extension request has been reviewed by staff. It complies with Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances. The Subdivision Map Act allows time extensions to be granted to a maximum of five years past the initial approval period of two years for tentative tract maps. The tentative tract map is not yet ready to record. Additional time is necessary to comply with the conditions of approval.

RECOMMENDATION

Staff recommends your Commission approve the time extension.

DISCUSSION

The following time extension is recommended for approval:

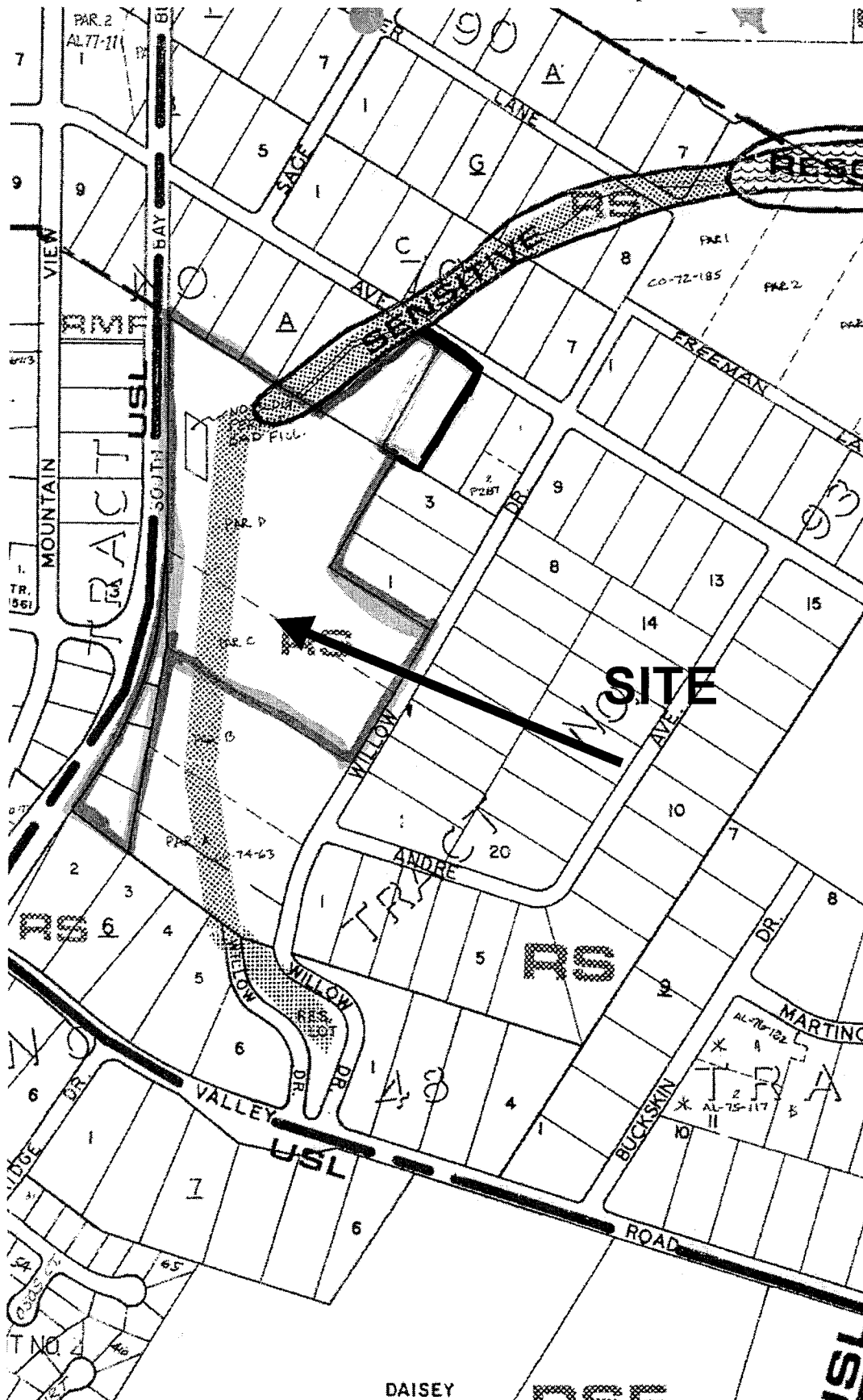
TRACT 2343 (S000184T) Request for a 1st time extension from **JEFF EDWARDS and MICHAEL TUTT** for a **1st time extension** for Vesting Tentative Tract Map 2343, a request to subdivide five existing parcels of 1.1 acres, 1.71 acres, 10.25 acres, 4.26 acres, and .70 acres into 5 parcels of 3.71 acres, 2.5 acres, 5 acres, 6.81 acres, and 1.46 acres; with 10.3 acres in open space. The project also requires a Minor Use Permit to adjust the riparian setback on proposed parcel number 4 to 25 feet. The total project site is 18.02 acres. The project site is irregular shaped and located adjacent to South Bay Boulevard with a portion reaching east to Willow Drive (2079 Willow Drive) and a small portion reaching north to Nipomo Avenue, in the community of Los Osos in the Estero planning area. Residential Land Use Category. APN: 074-263-034, 043, 009 & 033. Supervisorial District 2.

The tentative map was to expire on June 30, 2006. On March 3, 2006, the applicant's agent requested the time extension. After review of the tentative map, staff recommends

L-2

to the Planning Commission the **1st one-year time extension** be granted to June 30, 2007, subject to the Resolution of the Board of Supervisors adopted May 25, 2004.

L-3



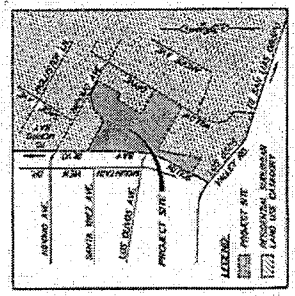
Project

TUTT
Tract 2343/ S000184u

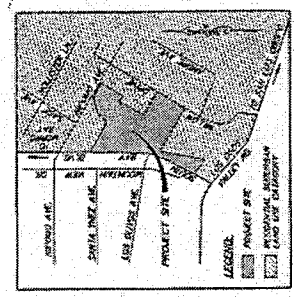


Exhibit

Land Use Category Map



Map with proposed lot configuration



Map with existing lot configuration

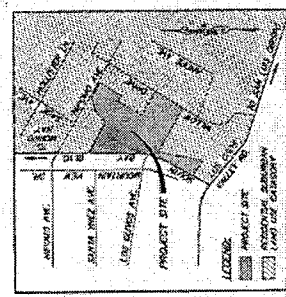


Figure 1 Open Space Easement

2-7

**IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Tues day May 25, 2004

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian,
Michael P. Ryan, and Chairperson Harry L. Ovitt

ABSENT: None

RESOLUTION NO. 2004-164

**RESOLUTION AFFIRMING AND MODIFYING THE DECISION OF THE PLANNING
COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF
MICHAEL TUTT FOR A VESTING TENTATIVE TRACT MAP FOR TRACT 2343
AND MINOR USE PERMIT DRC 2003-00015**

The following resolution is now offered and read:

WHEREAS, on March 11, 2004, the Planning Commission of the County of San Luis Obispo duly considered and conditionally approved the application of Michael Tutt for a vesting tentative tract map for Tract Map 2343 and Minor Use Permit DRC 2003-00015; and

WHEREAS, Gordon Hensley of Environment in the Public Interest has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 and Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on May 25, 2004, and determination and decision was made on May 25, 2004; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed and modified and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

L-8

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and B attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Gordon Hensley of Environment in the Public Interest is hereby denied and the decision of the Planning Commission is affirmed and modified and that the application of Michael Tutt for a vesting tentative tract map for Tract 2343 and Minor Use Permit DRC 2003-00015 is hereby approved subject to the conditions of approval set forth in Exhibit C attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Bianchi, seconded by Supervisor Achadjian, and on the following roll call vote, to wit:

AYES: Supervisors Bianchi, Achadjian, Pianrd, Ryan and Chaireprson Ovitt

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

HARRY L. OVITT

Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: VICKI M. SHELBY Deputy Clerk
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Date: May 13, 2004

NOTARY PUBLIC
JULIE L. RODEWALD
COUNTY CLERK OF CALIFORNIA

I, JULIE L. RODEWALD, County Clerk of the above
enlisted County, and Ex-Officio Clerk of the Board of
Supervisors thereof, do hereby certify the foregoing to
be a full, true and correct copy of an order entered in the
minutes of said Board of Supervisors, and now remain-
ing of record in my office.

Witness, my hand and seal of said Board of Super-
visors this 6/4/04

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the
Board of Supervisors

By: [Signature] Deputy Clerk

L-9

**TRACT MAP
FINDINGS - EXHIBIT A**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 6, 2004 for this project. Mitigation measures are proposed to address biological resources, cultural resources, noise, public services/utilities, transportation/circulation and land use and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for residential development.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support residential development.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because mitigation measures to protect fish and wildlife resources have been agreed to by the applicant.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Adjustments - Sewage Disposal for parcel 4

- J. That there special circumstances or conditions affecting the subdivision because the existing parcel configuration has two parcels located entirely in a sensitive riparian area. The new configuration allows for increased protection of sensitive riparian areas. Allowing the septic system for parcel 4 to be located on parcel 1 also minimizes impacts

to the riparian areas.

- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the septic system design will be consistent with the basin plan and be constructed to meet all County standards.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the septic system design for parcel four will be consistent with the basin plan and be constructed to meet all County standards.

Affordable Housing

- M. It is infeasible to provide low and moderate income housing as required by Section 65590 of the Government Code because it is infeasible to provide such housing when less than 10 new units are being constructed.

Sensitive Resource Area

- N. The Tract map will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because most of the sensitive area will be preserved in perpetuity in open space and a restoration plan will be required to enhance the sensitive area.
- O. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the new reconfiguration of the parcels will allow for more protection of the sensitive areas.
- P. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- Q. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because no excavation is proposed.

Archeological Sensitive Area

- R. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because monitoring is required for all future development.

Coastal Access

- S. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

**MINOR USE PERMIT
FINDINGS EXHIBIT B**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 6, 2004 for this project. Mitigation measures are proposed to address biological resources, cultural resources, noise, public services/utilities, transportation/circulation and land use and are included as conditions of approval.

Minor Use Permit

- B. The proposed project is consistent with the San Luis Obispo County General Plan because the minor use permit is to allow a riparian setback adjustment for future uses which are allowed consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the adjustment will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the adjustment allows for an allowed use which is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Minor Use Permit for riparian setback adjustment

Streams and Riparian Vegetation

- G. The proposed project is a reconfiguration of existing parcels to minimize impacts, Alternative locations and routes are infeasible or more environmentally damaging.
- H. Adverse environmental effects have been mitigated to the maximum extent feasible.
- I. The adjustment to the riparian setback is necessary to allow the principally permitted use, a residence. The reconfiguration has allowed for greater protection of the sensitive

riparian vegetation and is a redesign that allows the permitted use with adjusted setbacks

- J. The adjustment is the minimum that would allow for a future residence.

Sensitive Resource Area

- K. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because most of the sensitive area will be preserved in perpetuity in open space and a restoration plan will be required to enhance the sensitive area.
- L. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the new reconfiguration of the parcels will allow for more protection of the sensitive areas.
- M. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- N. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because no excavation is proposed.

Archeological Sensitive Area

- O. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because monitoring is required for all future development.

Coastal Access

- P. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

REVISED EXHIBIT C - CONDITIONS**Approved Project**

1. This approval authorizes the division of five existing parcels of 1.1 acres, 1.71 acres, 10.25 acres, 4.26 acres, and 1.8 acres into 5 parcels of 3.71 acres, 2.5 acres, 5 acres, 6.81 acres, and 1.46 acres; with 10.3 acres in open space. This approval also authorizes a Minor Use Permit to adjust the riparian setback for parcel # 4 to 25 feet.

Access and Improvements

2. Access be denied to lots 1, 2 and 3 from South Bay Boulevard and that this be by certificate and designation on the map.
3. A private easement be reserved on the map for access to lots 3 and 4.

Improvement Plans

4. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

6. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
7. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

8. Electric and telephone lines shall be installed underground.
9. Cable T.V. conduits shall be installed in the street.
10. Gas lines shall be installed.
11. A public utility easement on private property along the access to parcels 3 and 4, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

12. The applicant shall apply to the Department of Planning and Building for approval of

L-14

new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Affordable Housing Fee

13. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Mitigations

Biological Resources

14. **Prior to recordation of the final map**, the applicant has agreed to enter into an agreement with the County in a form approved by County Counsel to create an open space easement over the area of the site which contains freshwater wetland vegetation, central coast arroyo willow forest, oak woodland, and central dune scrub. The open space easement is approximately 10.3 acres in size (see figure 1) and shall be in perpetuity. The terms of the open space easement disallow activities that may conflict with the long term protection of the sensitive habitat areas.
15. **Prior to recordation of the final map**, a building envelope shall be designated on lot 4 for the primary and secondary dwellings. The building envelope must be at least 25 feet from the existing riparian and wetland vegetation.
16. **Prior to recordation of the final map**, the applicant shall submit for review and approval a Riparian Restoration plan (prepared by a qualified biologist from the County's approved list). The plan shall include identification of all exotics plants, performance standards for removal of the exotics, list of exotic plants to be removed (with minimum impact to the riparian/wetland corridor); and locations, amounts, size and types of plants to be planted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful establishment.

Wastewater

17. **Prior to recordation of the map**, a private easement shall be designated on lot 1 for the benefit of lot 4 for the purposes of sewage disposal. The easement shall include a 100% expansion area.

Additional Map Sheet

18. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. The limits of inundation from a 100 year storm over lots 1, 2, 3, 4, and 5 from the on-site pond and associated creek shall be shown on the additional map and note the required building restriction in the on the sheet.

Biological Resources

- b. Minor Use Permit approval is required for all development on parcels 1-4.
- c. **Prior to issuance of land use permits for parcel 4**, the Riparian Restoration plan shall be implemented.
- d. **Prior to submittal of land use permits for all lots**, the applicant shall have an individual habitat conservation plan approved by the U.S. Fish and Wildlife

Service or demonstrate consistence with the community-wide habitat conservation plan (once approved), or show waiver of this requirement by the U.S. Fish and Wildlife Service.

Cultural Resources

- e. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
 1. List of personnel involved in the monitoring activities;
 2. Description of how the monitoring shall occur;
 3. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 4. Description of what resources are expected to be encountered;
 5. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 6. Description of procedures for halting work on the site and notification procedures;
 7. Description of monitoring reporting procedures.
- f. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- g. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Noise

- h. **Prior to issuance of construction permits for parcel 4**, the applicant shall demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
 - Air conditioning or a mechanical ventilation system
 - Solid core exterior doors with perimeter weather stripping and threshold seals
 - Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - Roof or attic vents baffled.
- i. **Prior to issuance of construction permits for parcel 4**, the applicant shall provide Outdoor Noise Mitigation plan. The plan shall identify ways to mitigate noise from South Bay Boulevard in outdoor activity areas.
- j. **Prior to final building inspection for parcel 4**, the applicant shall implement the Outdoor Noise Mitigation plan.
- k. During construction activity for future development, implement Air Pollution

L-16

Control Districts dust mitigation measures (from letter dated August 27, 2003).

Covenants, Conditions and Restrictions

19. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. The limits of inundation from a 100 year storm over lots 1, 2, 3, 4, and 5 from on-site pond and associated creek shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
 - b. Maintenance of on-site pond and embankments.

Miscellaneous

20. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks and individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
21. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
22. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
23. The Minor Use permit is valid for a period of 5 years from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.
24. **Prior to the recordation of the final map**, the applicant shall resolve the existing enforcement case on parcel 4.

Indemnification

25. The applicant shall as a condition of approval of this minor use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo, or its agents, officers, or employees, from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this minor use permit and subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

2-17
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"Making a Difference"

MEETING DATE March 11, 2004 LOCAL EFFECTIVE DATE March 25, 2004 APPROX FINAL EFFECTIVE DATE April 15, 2004	CONTACT/PHONE Kerry O'Neill, Project Manager 781-5713	APPLICANT Michael Tutt	FILE NO. TRACT 2343 S000184T DRC 2003-00015
SUBJECT Proposal by Michael Tutt/ Jeff Edwards for a Vesting Tentative Tract Map to subdivide five existing parcels of 1.1 acres, 1.71 acres, 10.25 acres, 4.26 acres, and .70 acres into 5 parcels of 3.71 acres, 2.5 acres, 5 acres, 6.81 acres, and 1.46 acres; with 10.3 acres in open space. The project also requires a Minor Use Permit to adjust the riparian setback on proposed parcel number 4 to 25 feet. The total project site is 18.02 acres. The project site is irregular shaped and located adjacent to South Bay Boulevard with a portion reaching east to Willow Drive (2079 Willow Drive) and a small portion reaching north to Nipomo Avenue, in the community of Los Osos in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2343 and Minor Use Permit DRC2003-00015 based on the findings listed in Exhibit A and B and the conditions listed in Exhibit C.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 6, 2004 for this project. Mitigation measures are proposed to address biological resources, cultural resources, noise, public services/utilities, transportation/circulation and land use and are included as conditions of approval.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Streams and Riparian Vegetation, Local Coastal Plan, Archaeologically Sensitive, Sensitive Resources Area, and Flood Hazard	ASSESSOR PARCEL NUMBER 074-263-034, 043, 009, 033	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Septic Tank Requirements, Interim Service Capacity			
LAND USE ORDINANCE STANDARDS: Residential Suburban Minimum Parcel sizes			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

72 L-18

EXISTING USES: Two Single family residences and a pond	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban; residential <i>South:</i> Residential Suburban; residential <i>East:</i> Residential Suburban; residential <i>West:</i> Residential Multiple Family; residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, Environmental Health, County Parks, South Bay Fire Department, San Luis Coastal Unified School District, Community Services District, APCD, California Coastal Commission	
TOPOGRAPHY: Level and sloping down into wetland and riparian areas	VEGETATION: Freshwater Wetland Vegetation, Central Coast Arroyo Willow Forest, Oak Woodland, Central Dune Scrub, and Veldt Grassland
PROPOSED SERVICES: Water supply: On-site well and Cal Cities Water Company Sewage Disposal: On-site septic system Fire Protection: South Bay Fire Department	ACCEPTANCE DATE: August 13, 2003

DISCUSSION

There are five existing parcels of 1.1 acres, 1.71 acres, 10.25 acres, 4.26 acres, and .70 acre; although the applicant requests to adjust these parcels new state legislative requires that the applicant file a tract map. Under SB497 lot line adjustments are allowed for 4 or fewer parcels, any adjustment of 5 or more parcels requires a Tract Map be approved.

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.04.027 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements. Parcel 1- minimum parcel size is 1 acre, parcel 2 - minimum parcel size is 2.5 acres, parcel 3 minimum parcel size is 2.5 acres, parcel 4 minimum parcel size is 2.5 acres, and parcel 5 - minimum parcel size is 1 acre. See table below:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Parcel 1: Average slope is between 0 and 15 % Parcel 2: Average slope is between 0 and 15 % Parcel 3: Average slope is between 0 and 15 % Parcel 4: Average slope is between 0 and 15 % Parcel 5: Average slope is between 0 and 15 %	1.0 acres 1.0 acres 1.0 acres 1.0 acres 1.0 acres
Water Supply and Sewage Disposal	Parcel 1: Community water/On-site septic Parcel 2: On-site well/On-site septic Parcel 3: On-site well/On-site septic Parcel 4: On-site well/On-site septic Parcel 5: Community water/On-site septic	1.0 acres 2.5 acres 2.5 acres 2.5 acres 1.0 acres

73 L-19

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance except for section 21.03.010g(2) (see discussion below).

PLANNING AREA STANDARDS:

Septic Tank Requirement. New development shall meet the septic tank requirements of the Regional Water Quality Control Board. *The proposed subdivision is required to meet the Regional Water Quality Control Board.*

Interim Service Capacity Allocation. Priorities for water use are established, and implemented through the review and approval of subdivision and development plan proposal. *The proposed subdivision is a reconfiguration of existing parcels. As a result of this subdivision there will be no new parcels, therefore this project will not result in any new impact to existing water supplies.*

COMBINING DESIGNATIONS:

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.07.060 - Flood Hazard

A portion of the project site is located within a mapped flood hazard designation. No development is proposed at this time.

Section 23.07.104 - Archaeologically Sensitive Areas

The project site is within a mapped Archaeologically Sensitive Area. A Cultural Resource Inventory and Phase II survey (Bertrando and Bertrando Research Consultants; June 1999 and July 1999) was conducted for the parcel. Resources were found on-site. Recovered material found during the Phase II investigation was sufficient evidence to designate an area as an archaeological site. The site is almost entirely located in the area designated as open space. Sparse peripheral resources may be present in buildable areas and could be impacted by development. Monitoring has been required to protect cultural resources.

Section 23.07.164 - Sensitive Resource Area

Section 23.07.170 - Environmentally Sensitive Habitats

Section 23.07.174 - Streams and Riparian Vegetation

The project is appealable to the Coastal Commission because the project is proposed development within 100 feet of a mapped coastal riparian area. Riparian setbacks in rural areas

Z-4 L-20

(outside the Urban Services Area) of the County are required to be at least 100 feet from the upland extent of riparian vegetation. The applicant is requesting a Minor Use Permit/ Coastal Development Permit reduce the setback on proposed parcel 4 to 25 feet. The applicant has agreed to place approximately 10.3 acres of sensitive riparian areas in open space for long term protection and restore areas of the riparian area which have been invaded by prominent stands of pampas grass. With the existing parcel configuration two parcels are almost completely covered in riparian vegetation, the proposed subdivision will improve this situation. Staff recommends the adjustment be granted because the buildable area on proposed parcel 4 is already heavily disturbed and restoration of this area would only push the new development into more sensitive areas.

ENVIRONMENTAL DETERMINATION: After completion of an initial study and considering all comments received, the County Environmental Coordinator is proposing a Mitigated Negative Declaration, finding that there is no substantial evidence that the project may have a significant effect on the environment. Mitigation measures were agreed upon by the applicant to minimize environmental impacts to a level of insignificance for biological resources, cultural resources, noise, public services/utilities, transportation/circulation and land use. Please see the attached environmental determination for more information.

ADJUSTMENTS:

Septic tanks, where a community sewer system is unavailable. In such cases, a letter shall be submitted from the county health department certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the parcel arrangement and sizes shown on the tentative tract map. Proposed parcel 4 does not have the capability of handling a leach field. Therefore, effluent from parcel 4 will be exported to proposed parcel 1. Although unique, Staff supports this proposal.

The Review Authority must make the following findings.

(1) That there are special circumstances or conditions affecting the subdivision;

The existing parcel configuration has two parcels in areas where placement of septic systems could potentially impact riparian areas. This tract map allows for a better configuration, with the new configuration parcel 4 is located adjacent to the riparian and wetland areas. The septic system for this parcel is located on parcel 1.

(2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision;

The location of parcel 4 septic system will not have a material adverse effect upon the health or safety of persons residing and working in the neighborhood.

(3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision.

The granting of the adjustment for the location of the parcel 4's septic system will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Environmental Sensitive Habitats

Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats. *The applicant has agreed to place approximately 10.3 acres of the sensitive area into open space for long term protection and restore areas where pampas grass has invaded.*

Policy 3: Habitat Restoration. *The applicant has agreed to restore the riparian habitat area.*

25 L-21

Policy 4: No land divisions in association with environmentally sensitive habitat areas. The existing number of parcels is five and the proposed number of parcels is five. No new parcels are being created as a result of this subdivision.

Policy 18: Coastal Streams and Riparian Vegetation. The applicant has agreed to place approximately 10.3 acres of the sensitive area into open space for long term protection.

Policy 19: Development in or adjacent to a coastal stream. The proposed tract is reconfiguring the five existing parcels in a manner that protects the riparian areas.

Policy 24: Riparian Vegetation. No riparian vegetation will be removed as a result of this subdivision.

Policy 26: Buffer zone for riparian habitats. The proposed project is to reconfigure five existing parcels. The new configuration allows for better protection of riparian areas. Parcel 4 will require a reduced riparian setback, this reduced setback will be improvement based on the existing parcel configuration.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The applicant has demonstrated that adequate public service capacities are available to serve the proposed project (see response from Environmental Health).

COMMUNITY ADVISORY GROUP COMMENTS: The Los Osos Community Advisory Council recommended approval of the proposed subdivision at their September 2003 meeting.

AGENCY REVIEW:

Public Works- Recommends approval, with comments

County Parks - Require the applicant to pay Quimby and applicable building division fees. No trail is requested.

APCD - Recommends approval, with comments and conditions.

Environmental Health - Recommends approval.

California Coastal Commission - No response

LEGAL LOT STATUS:

The five existing lots were legally created by deed and recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Kerry O'Neill and reviewed by Matt Janssen.

7-6 L-22

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 6, 2004 for this project. Mitigation measures are proposed to address biological resources, cultural resources, noise, public services/utilities, transportation/circulation and land use and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is allowed in the Residential Suburban land use category .
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the riparian adjustment will not conflict with the surrounding lands and uses.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is consistent with the neighborhoods will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a principal arterial constructed to a level able to handle any additional traffic associated with the project.

Sensitive Resource Area

- G. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because most of the sensitive area will be preserved in perpetuity in open space and a restoration plan will be required to enhance the sensitive area.
- H. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the new reconfiguration of the parcels will allow for more protection of the sensitive areas.
- I. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- J. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because no excavation is proposed.

7-7 L-23

Streams and Riparian Vegetation - Riparian setback adjustment for parcel 4

- K. The proposed project is a tract map to reconfigure five existing parcels in the Residential Suburban land use category. With the existing parcel configuration two parcels are almost completely covered in riparian vegetation, and more environmental damaging potentially could result. The proposed subdivision will improve this situation.
- L. Adverse environmental effects have been mitigated to the maximum extent feasible. An open space easement and restoration plan have also been required.
- M. The adjustment to the riparian setback is necessary to allow the future residential development.
- N. The adjustment is the minimum that would allow for the establishment of future residential development.

7-8 L-24

FINDINGS - EXHIBIT B

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 6, 2004 for this project. Mitigation measures are proposed to address biological resources, cultural resources, noise, public services/utilities, transportation/circulation and land use and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for residential development.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support residential development.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because mitigation measures to protect fish and wildlife resources have been agreed to by the applicant.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Adjustments - Sewage Disposal for parcel 4

- J. That there special circumstances or conditions affecting the subdivision because the existing parcel configuration has two parcels located entirely in a sensitive riparian area. The new configuration allows for increased protection of sensitive riparian areas. Allowing the septic system for parcel 4 to be located on parcel 1 also minimizes impacts to the riparian areas.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the septic system design will be consistent with the basin plan and be

7-9 L-25

constructed to meet all County standards.

- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the septic system design for parcel four will be consistent with the basin plan and be constructed to meet all County standards.

Affordable Housing

- M. It is infeasible to provide low and moderate income housing as required by Section 65590 of the Government Code because it is infeasible to provide such housing when less than 10 new units are being constructed.

Sensitive Resource Area

- N. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because most of the sensitive area will be preserved in perpetuity in open space and a restoration plan will be required to enhance the sensitive area.
- O. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the new reconfiguration of the parcels will allow for more protection of the sensitive areas.
- P. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- Q. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because no excavation is proposed.

Archeological Sensitive Area

- R. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because monitoring is required for all future development.

7-10 L-26

CONDITIONS - EXHIBIT C

Approved Project

1. This approval authorizes the division of five existing parcels of 1.1 acres, 1.71 acres, 10.25 acres, 4.26 acres, and .70 acres into 5 parcels of 3.71 acres, 2.5 acres, 5 acres, 6.81 acres, and 1.46 acres; with 10.3 acres in open space. This approval also authorizes a Minor Use Permit to adjust the riparian setback for parcel # 4 to 25 feet.

Access and Improvements

2. Access be denied to lots 2, 3 and 4 from South Bay Boulevard and that this be by certificate and designation on the map.
3. A private easement be reserved on the map for access to lots 3 and 4.

Improvement Plans

4. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

6. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
7. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

8. Electric and telephone lines shall be installed underground.
9. Cable T.V. conduits shall be installed in the street.
10. Gas lines shall be installed.
11. A public utility easement on private property along the access to parcels 3 and 4, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

12. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

74 L-27

Affordable Housing Fee

13. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Mitigations

Biological Resources

14. **Prior to recordation of the final map**, the applicant has agreed to enter into an agreement with the County to create an open space easement over the area of the site which contains freshwater wetland vegetation, central coast arroyo willow forest, oak woodland, and central dune scrub. The open space easement is approximately 10.3 acres in size (see figure 1). The terms of the open space easement disallow activities that may conflict with the long term protection of the sensitive habitat areas.
15. **Prior to recordation of the final map**, a building envelope shall be designated on lot 4 for the primary and secondary dwellings. The building envelope must be at least 25 feet from the existing riparian and wetland vegetation.
16. **Prior to recordation of the final map**, the applicant shall submit for review and approval a Riparian Restoration plan (prepared by a qualified biologist from the County's approved list). The plan shall include identification of all exotics plants, performance standards for removal of the exotics, list of exotic plants to be removed (with minimum impact to the riparian/wetland corridor); and locations, amounts, size and types of plants to be planted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful establishment.

Wastewater

17. **Prior to recordation of the map**, a private easement shall be designated on lot 1 for the benefit of lot 4 for the purposes of sewage disposal. The easement shall include a 100% expansion area.

Additional Map Sheet

18. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. The limits of inundation from a 100 year storm over lots 1, 2, 3, 4, and 5 from the on-site pond and associated creek shall be shown on the additional map and note the required building restriction in the on the sheet.

Biological Resources

- b. Minor Use Permit approval is required for all development on parcels 1-4.
- c. **Prior to issuance of land use permits for parcel 4**, the Riparian Restoration plan shall be implemented.
- d. **Prior to submittal of land use permits for all lots**, the applicant shall have an individual habitat conservation plan approved by the U.S. Fish and Wildlife Service or demonstrate consistence with the community-wide habitat conservation plan (once approved), or show waiver of this requirement by the U.S. Fish and Wildlife Service.

Cultural Resources

- e. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

2-12 1-28

1. List of personnel involved in the monitoring activities;
 2. Description of how the monitoring shall occur;
 3. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 4. Description of what resources are expected to be encountered;
 5. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 6. Description of procedures for halting work on the site and notification procedures;
 7. Description of monitoring reporting procedures.
- f. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- g. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Noise

- h. **Prior to issuance of construction permits for parcel 4**, the applicant shall demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
- Air conditioning or a mechanical ventilation system
 - Solid core exterior doors with perimeter weather stripping and threshold seals
 - Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - Roof or attic vents baffled.
- i. **Prior to issuance of construction permits for parcel 4**, the applicant shall provide Outdoor Noise Mitigation plan. The plan shall identify ways to mitigate noise from South Bay Boulevard in outdoor activity areas.
- j. **Prior to final building inspection for parcel 4**, the applicant shall implement the Outdoor Noise Mitigation plan.
- k. During construction activity for future development, implement Air Pollution Control Districts dust mitigation measures (from letter dated August 27, 2003).

Covenants, Conditions and Restrictions

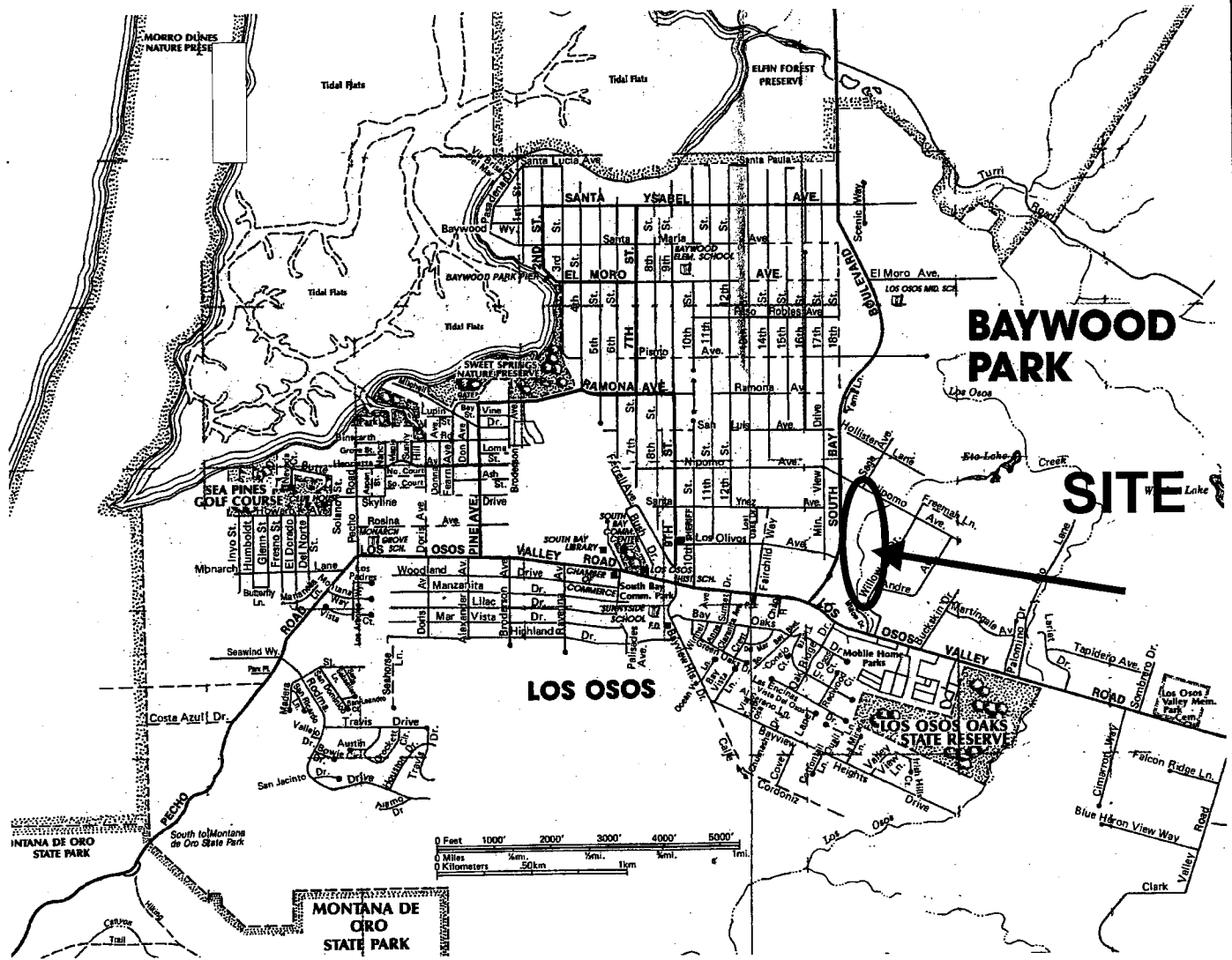
19. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. The limits of inundation from a 100 year storm over lots 1, 2, 3, 4, and 5 from on-site pond and associated creek shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
 - b. Maintenance of on-site pond and embankments.

2-13 L-21

Miscellaneous

20. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks and individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
21. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
22. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
23. The Minor Use permit is valid for a period of 5 years from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

7-14 L-30



Project

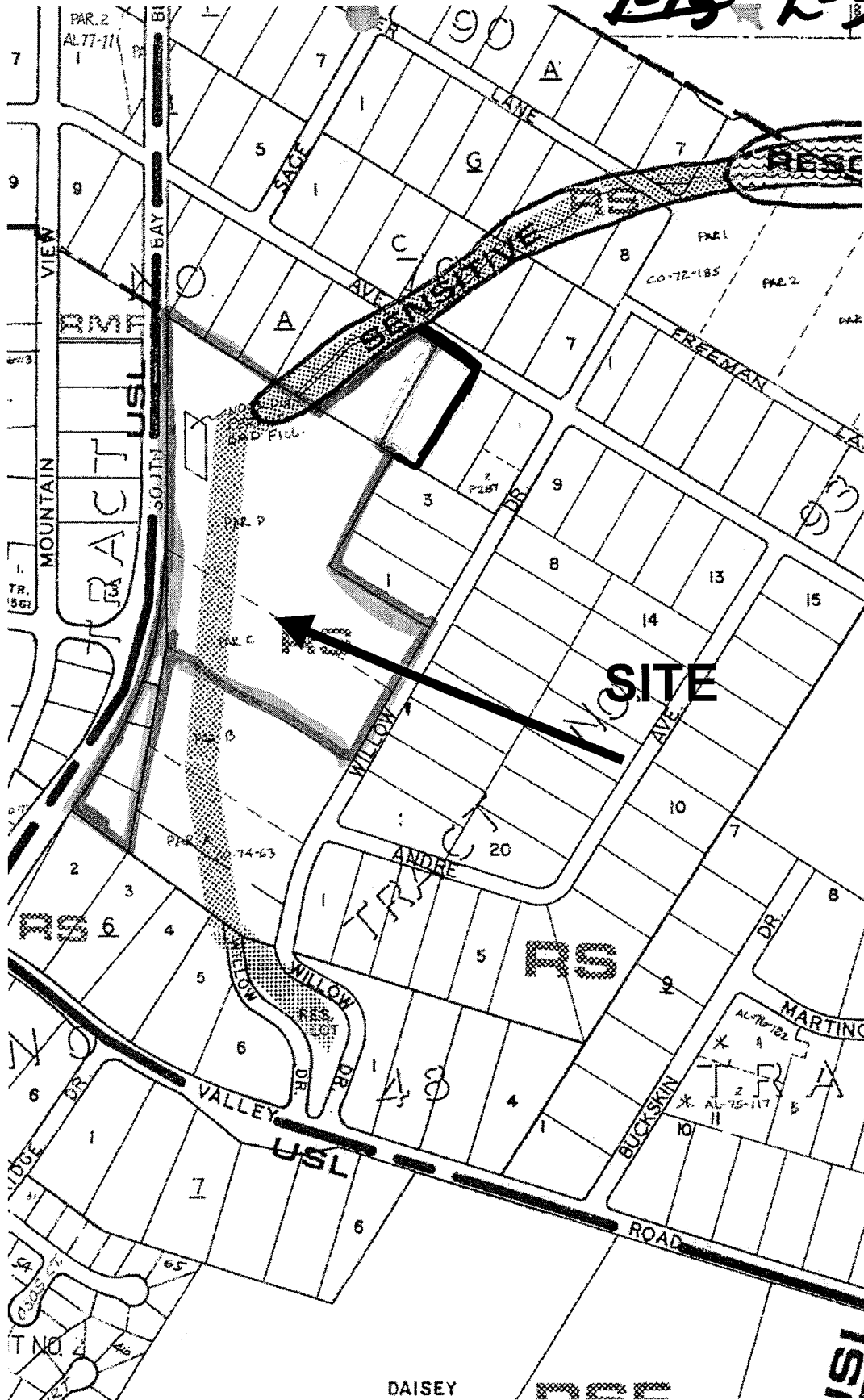
TUTT
Tract 2343/ S000184u



Exhibit

Vicinity Map

7-15 1-31



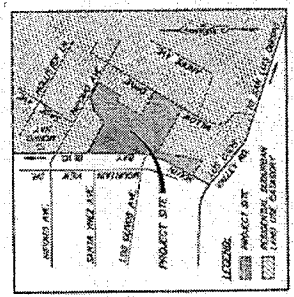
Project

TUTT
Tract 2343/ S000184u



Exhibit

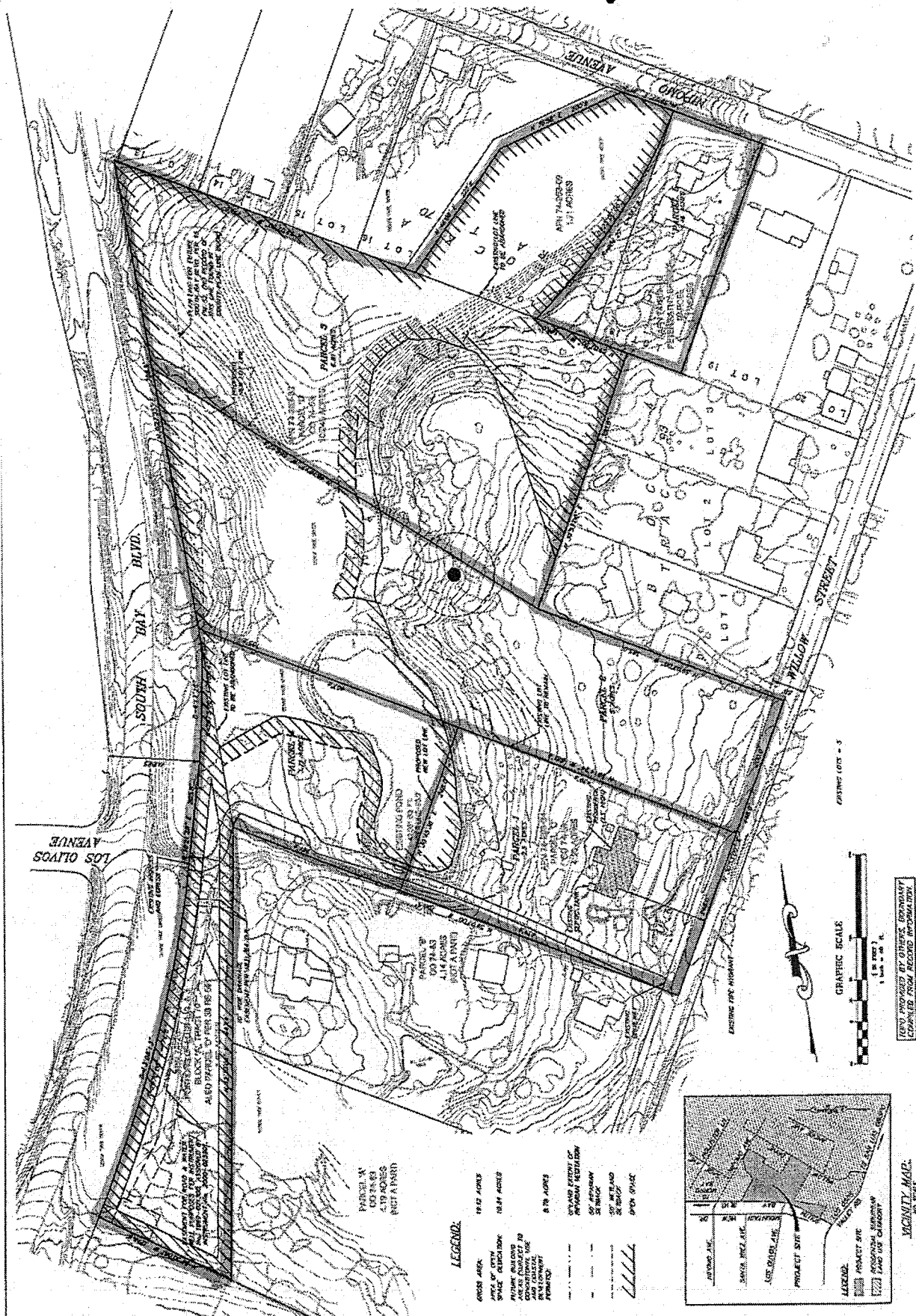
Land Use Category Map



**Tract 2343/ S000184u**

Map with existing lot configuration

7-10 L-34



Project

TUTT
Tract 2343/ S000184u



Exhibit

Map with proposed lot
configuration



COUNTY OF SAN LUIS OBISPO

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

247 4-35

FOR OFFICIAL USE ONLY (KO)

ENVIRONMENTAL DETERMINATION NO. ED03-101

DATE: 2/6/04

PROJECT/ENTITLEMENT: Tutt Tract Map and Minor Use Permit/ TR 2343/ S000184T/ DRC 2003-00015

APPLICANT NAME: Michael Tutt
ADDRESS: PO Box 6039, Los Osos, CA. 93412
CONTACT PERSON: Jeff Edwards

Telephone: (805) 528-1567

PROPOSED USES/INTENT: A request for 1) a tract map to adjust the lot lines between five existing parcels (totaling 18.02 acres) consisting of four parcels of 1.1, 1.71, 10.25, 4.26 acres each, and one parcel of 30,492 square feet to five parcels of 3.71 acres, 2.5 acres, 5 acres, 6.81 acres, and 1.46 acres; with 10.3 acres in open space, which will not result in any new parcels; and 2) adjust the minimum riparian set back requirements.

LOCATION: The project site is irregular shaped and located on the east side South Bay Boulevard with portions reaching eastward to Willow Drive (3079 Willow Drive) and northward to Nipomo Avenue, in the community of Los Osos

LEAD AGENCY: County of San Luis Obispo Address: Planning & Building Dept. (Rm. 310)
County Government Center
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting someone at the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on February 20, 2004
(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Title

Date

Public Agency



7-20 436

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No: Tutt Tract Map with Minor Use Permit, ED03-101,
S000184T/TR002343/DRC2003-00015**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Wastewater |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Water |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services/Utilities | <input checked="" type="checkbox"/> Land Use |

☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>Kerry O'Neill</u>	<u>Kerry O'Neill</u>	<u>2/3/04</u>
Prepared by(Print)	Signature	Date
<u>Steven McMasters</u>	<u>Steve McMasters</u>	<u>2/4/04</u>
Reviewed by(Print)	Signature (for)	Date

Ellen Carroll,
Environmental Coordinator

7-21 L-37

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: - Proposal by Michael Tutt for a lot line adjustment of 5 existing parcels. Under SB497 lot line adjustments are allowed for 4 or fewer parcels, any adjustment of 5 or more parcels requires a Tract map be filed. The 5 existing parcels of 1.1 acres, 1.71 acres, 10.25 acres, 4.26 acres, and 30,492 square feet shall be adjusted into 5 parcels of 3.71 acres, 2.5 acres, 5 acres, 6.81 acres, and 1.46 acres; with 10.3 acres in open space. The total project site is 18.02 acres. A minor use permit is required to adjust the riparian setback for lot 4. The project site is irregular shaped and located adjacent to South Bay Boulevard with a portion reaching east to Willow Drive and a small portion reaching north to Nipomo Avenue, in the community of Los Osos, in the Estero planning area.

ASSESSOR PARCEL NUMBER: 074-263-034, 043, 009, 033 **SUPERVISORIAL DISTRICT #:** 2

B. EXISTING SETTING

PLANNING AREA: Estero - Los Osos

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): Stream & Riparian Vegetation, Local Coastal Plan/Program, Archaeologically Sensitive Area, Sensitive Resource Area, Flood Hazard.

EXISTING USES: Single Family Residence

TOPOGRAPHY: Level and sloping down into wetland and riparian areas

VEGETATION: Freshwater Wetland Vegetation, Central Coast Arroyo Willow Forest, Oak Woodland, Central Dune Scrub, and Veldt Grassland

PARCEL SIZE: 18.03

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban; Residential

East: Residential Suburban; Residential

South: Residential Suburban; Residential

West: Residential Multiple Family; Residential

C. ENVIRONMENTAL ANALYSIS

7-22 L-38

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located between Willow Street and South Bay Boulevard. The project area is generally characterized by scattered residential development on parcels ranging in size from 1 acre to 10 acres.

Impact. The proposed project could potentially result in the construction of three primary residences, four secondary residences and accessory structures (two parcels are already developed with residences), which is consistent with the surrounding neighborhood. No significant visual or aesthetic issues should result from this level of development.

Mitigation/Conclusion. No significant visual impacts are expected to occur and no mitigation measures are necessary, due to the limited development that can occur as a result of the subdivision.

2. AGRICULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7-23 L-39

2. AGRICULTURAL RESOURCES -

Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

d) Other _____

☐
☐
☐
☐

Agricultural Resource Impacts - The project is located in a predominantly non-agricultural (i.e., residential) area with no agricultural activities occurring on the property or immediately surrounding the property. No impacts to agricultural resources are anticipated.

3. AIR QUALITY - *Will the project:*

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) *Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?*

☐
☐
☒
☐

b) *Expose any sensitive receptor to substantial air pollutant concentrations?*

☐
☐
☒
☐

c) *Create or subject individuals to objectionable odors?*

☐
☐
☒
☐

d) *Be inconsistent with the District's Clean Air Plan?*

☐
☐
☒
☐

e) Other _____

☐
☐
☐
☐

Setting. In 1989, the State Air Resources Board designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation.

Dust, or particulate matter less than ten microns (PM 10), can be emitted directly from a source, and can also be formed in the atmosphere through chemical transformation of gaseous pollutants. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants sometimes contribute towards this chemical transformation into PM10.

In this general area, the County Annual Resource Summary Report (2002) for the year 2001 identifies PM₁₀ was not exceeded.

Impact. No significant increases in PM 10 and ozone are expected to occur with the subdivision and subsequent development of the five proposed parcels.

Mitigation/Conclusion. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. Therefore, no mitigation measures are necessary and the potential impacts are considered less than significant.

7-24 L-40

4. BIOLOGICAL RESOURCES -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. A biological survey (Levine-Fricke, 2003) identified the following regional communities on site: freshwater wetland vegetation, central coast arroyo willow forest, oak woodland, central dune scrub, and veldt grassland. Prominent stands of invasive pampas grass occur near the willow riparian corridor. Iceplant occurs in areas close to roads. A blue line stream runs across the site from the southwest to the northeast. A manmade pond is also located in the center of the site. Blue gum eucalyptus trees have been planted deliberately adjacent to the pond. The Natural Diversity Database (2002) identified the following sensitive species or habitats within close proximity of the proposed project: Tidewater Goby, Arroyo De La Cruz Manzanita, Morro Bay kangaroo rat (DIHM), Jones's layia (LAJO), Morro shoulderband snail, Morro manzanita and San Luis Obispo Monardella (MOFR).

Impacts.

Special Status Wildlife and Plant Species

Habitat for the federally endangered Morro shoulderband snail and the federally threatened Morro manzanita plant were detected in biological surveys of the site. A biological assessment was conducted on the project site on May 20, 2003 (Levine-Fricke, 2003). Suitable habitat consisting of central dune scrub and ice plant occurs in two areas on the project site. Area 1 is located between South Bay Boulevard and the riparian corridor, on the western side of the property. Area 2 is located between the riparian corridor and adjacent residential properties at the northeastern corner of the property. Although protocol level surveys were not conducted on the subject site, presence is assumed due to known habitat on site. One Morro manzanita plant is present in the northern section of the site. The Morro manzanita plant is not in an area proposed to be disturbed as a result of this development.

One survey for the California red-legged frog was conducted on the project site in 1999 (Symonds/Janssen telephone conversation, September, 2003). No California red-legged frogs (CRLF) or other special status aquatic species were found during the survey of the site. Several predators of the CRLF were observed on site including bass, bullfrog, and raccoon. The predators, warm water conditions, limited water availability in riparian and wetland areas, and lack of sightings all make in highly unlikely that CRLF or suitable habitat for the CRLF is present on the project site.

Wetlands

Wetlands were detected on site (Levine-Fricke, 2003). The survey of the site identified several

7-25 L-41

wetland areas. The wetland areas cover a total of 1.83 acres of the property. The wetlands present on the site are seasonal emergent palustrine wetlands. These wetlands are located in association with the riparian corridor and the pond located on the site.

All riparian and wetland areas will be placed in open space for long term protection of the habitat. A riparian restoration plan will be prepared and implemented that provides for removal of exotics (pampas grass, eucalyptus, etc.) and revegetation of these areas with native plants. Implementation of the restoration plan will provide for overall habitat improvement. Development of proposed parcel 4 (with a 25 foot riparian and wetland setback) will not occur until the riparian restoration plan is implemented.

Future development of the lots (regardless of the approval of this Tract map) requires compliance with the community-wide individual habitat conservation plan approved by the U.S. Fish and Wildlife Service or be consistent of the community-wide habitat conservation plan (once approved), or show waiver of this requirement by the U.S. Fish and Wildlife Service.

Mitigation. The project will be required to incorporate the following measures to reduce potential biological impacts to less than significant levels:

1. Prior to recordation of the final map, the applicant has agreed to enter into an agreement with the County to create an open space easement over the area of the site which contains freshwater wetland vegetation, central coast arroyo willow forest, oak woodland, and central dune scrub. The open space easement is approximately 10.3 acres in size (see figure 1). The terms of the open space easement disallow activities that may conflict with the long term protection of the sensitive habitat areas.
2. Minor Use Permit approval is required for all development on parcels 1-4.
3. Prior to recordation of the final map, a building envelope shall be designated on lot 4 for the primary and secondary dwellings. The building envelope must be 25 feet from the edge of riparian and wetland vegetation.
4. Prior to recordation of the final map, the applicant shall submit for review and approval a Riparian Restoration plan (prepared by a qualified biologist from the County's approved list). The plan should include locations, amounts, size and types of plants to be planted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful establishment.
5. Prior to issuance of land use permits for parcel 4, the Riparian Restoration plan (see condition BR-4) shall be implemented.
6. Prior to submittal of land use permits, the applicant shall have an individual habitat conservation plan approved by the U.S. Fish and Wildlife Service or be consistent of the community-wide habitat conservation plan (once approved), or show waiver of this requirement by the U.S. Fish and Wildlife Service.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

720 L-42

5. CULTURAL RESOURCES -

Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

d) Other _____

☐
☐
☐
☐

Setting. The project site lies within the territory historically occupied by the Obispeno Chumash. An extended Phase 1 (surface survey) was conducted for the subject property (Bertrando and Bertrando Research Consultants; June 1999). Resources were identified on the site. Two of the resources have been previously recorded; CA-SO-1282 and CA-SO-1399. The third site may be an extension of one of the other sites identified. The boundaries of these resources are not easily identified because of surface vegetation. Resources include shell/artifact scatters, and some midden deposit.

To determine the significance of the cultural material at the project site, a Phase 2 (subsurface survey) was conducted on the subject site (Bertrando and Bertrando Research Consultants; July 1999).

No known historic or paleontological resources exist in the area.

Impact. The proposed development has the potential to impact cultural resources. Recovered material found during the Phase 2 investigation was sufficient evidence to designate this area as an archaeological "site." Subsurface remains are present. The 'site' is almost entirely located in the area designated as open space. Sparse peripheral resources may be present in buildable areas and could be impacted by development. No impacts to historic or paleontological resources is anticipated.

Mitigation/Conclusion. The project will be required to incorporate the following measures to reduce potentially significant impacts to cultural resources to less than significant levels:

1. **Prior to issuance of construction permits,** the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
 - A. List of personnel involved in the monitoring activities;
 - B. Description of how the monitoring shall occur;
 - C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - D. Description of what resources are expected to be encountered;
 - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - F. Description of procedures for halting work on the site and notification procedures;
 - G. Description of monitoring reporting procedures.
2. **During all ground disturbing construction activities,** the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
3. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first,** the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

727 L-43

6. **GEOLOGY AND SOILS -**

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Geology. The topography of the project ranges from nearly level to moderately sloping to the east. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered low. No active faulting is known to exist on or near the subject property. Two faults can be found to the east and southeast of the property, both approximately .4 miles away. There is an area along the northern portion of the site adjacent to South Bay Boulevard (inside the open space easement) where fill has been previously placed, this area will not be subject to development since it is located in the open space easement. There is no evidence that measures above what will already be required by ordinance or code are needed. The project is not within a known area containing serpentine rock.

7-28 L-44

Drainage. An unnamed tributary from Los Osos Creek runs through the middle of the property. The entire flood hazard combining designation is located in the proposed open space easement (see figure 1). The Flood Hazard designation on the subject property is associated with the tributary of Los Osos creek. No specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. The soil types include: Baywood Fine Sand. As described in the NRCS Soil Survey, the soil surface is considered well drained, to have low erodibility and has a low shrink-swell characteristic.

Mitigation/Conclusions - No specific measures above what will already be required by ordinance or code for geology, drainage or sedimentation/erosion are considered necessary. Therefore, impacts are less than significant.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Hazards & Hazardous Materials Impacts - The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. No significant fire safety risk was identified. The project is not expected to conflict with any regional evacuation plan. No impacts as a result of hazards or hazardous materials are anticipated.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7-29 L-45

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impacts - The site is adjacent to South Bay Boulevard. The Noise Element of General Plan was consulted. The noise contour maps indicated that the western half of the site could be in the range of 60 to 65 dba. Only parcel 4 is located in the range of 60 to 65 dba, since most of the western portion of the site (lots 2 and 3) is proposed to be placed in an open space easement.

Setting - As proposed, future residents on proposed parcel 4, may be exposed to unacceptable levels of highway-related noise, a potentially significant effect. Outdoor activity areas for lot 4 could exceed the standards of the Noise Element.

Mitigation. The project will be required to incorporate the following measures to reduce potential noise impacts to less than significant levels:

1. **Prior to issuance of construction permits for parcel 4**, the applicant shall demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
 - Air conditioning or a mechanical ventilation system
 - Solid core exterior doors with perimeter weather stripping and threshold seals
 - Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - Roof or attic vents baffled.
2. **Prior to issuance of construction permits for parcel 4**, the applicant shall provide Outdoor Noise Mitigation plan. The plan shall identify ways to mitigate noise from South Bay Boulevard in outdoor activity areas.
3. **Prior to final building inspection for parcel 4**, the applicant shall implement the Outdoor Noise Mitigation plan.

9. POPULATION/HOUSING - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7-30 1-46

9. POPULATION/HOUSING -

Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

d) *Use substantial amount of fuel or energy?*

☐ ☐ ☒ ☐

e) *Other* _____

☐ ☐ ☐ ☐

Population and Housing Impacts - The project will not result in a need for a significant amount of new housing, and will not displace existing housing. Therefore, no significant population and housing impacts are expected to occur.

10. PUBLIC SERVICES/UTILITIES -

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

a) *Fire protection?*

☐ ☒ ☐ ☐

b) *Police protection (e.g., Sheriff, CHP)?*

☐ ☒ ☐ ☐

c) *Schools?*

☐ ☒ ☐ ☐

d) *Roads?*

☐ ☐ ☒ ☐

e) *Solid Wastes?*

☐ ☐ ☒ ☐

f) *Other public facilities?*

☐ ☐ ☒ ☐

g) *Other* _____

☐ ☐ ☐ ☐

Public Services/Utilities. The project area is served by the County Sheriffs Department and South Bay Fire as the primary emergency responders. The South Bay Fire Department is located on Bayview Heights Drive, which is approximately 1 mile from the proposed project. The closest CDF fire station is the Cuesta Camp CDF station, which is about 7.5 miles from the proposed project. The closest Sheriff substation is in Los Osos, which is about .5 miles from the proposed project. The project is located in the (San Luis Coastal) Unified School District. No significant project-specific impacts to utilities or public services were identified.

This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

11. RECREATION - Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

a) *Increase the use or demand for parks or other recreation opportunities?*

☐ ☐ ☒ ☐

7-31 L-47

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Recreation Impacts - The County Trails Plan does not show a future trail being considered on the subject property. The project is not proposed in a location that will affect any trail, park or other recreational resource, and will not create a significant need for additional park or recreational resources. The applicant is offering a 25 foot multi-use trail along the western edge of the parcel (along South Bay Boulevard). The County Parks Department and Public Works Department are reviewing the proposal.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impacts - Future development will access onto Willow Street. Willow Street is a two-lane local road. Willow Street is operating at an acceptable level of service.

Future development of (five additional residential dwelling units) is estimated to generate a total of

7-32 L-48

(48) daily vehicle trips or a total of (almost 7) peak hour vehicle trips, based upon a daily generation rate of 9.57 trips per dwelling unit and an 11 % peak hour factor (rates provided by the Institute of Traffic Engineers). This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety.

Referrals were sent to County Public Works and Caltrans. Neither had any comments (or identified any potentially significant traffic concerns).

Mitigation/Conclusion - Since no significant impacts were identified, no specific traffic-related mitigation measures are necessary. The project will have a cumulative impact on the existing road system, as such the project is subject to South Bay Circulation Fees.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater systems will be placed (for the future residences) is Baywood Fine Sand. For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent include: poor filtering characteristics due to the very permeable soil; the permeable soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit, such as soil borings at leach line locations, to show that there will be adequate separation.

The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g. high groundwater) that contains soil that does not remain in a saturated condition for any length of time. Otherwise, special engineering will be required to provide this separation. Prior to building permit approval, it must be shown to the satisfaction of the county that future leach lines of a new septic system show that at least a 5' separation will exist between the bottom of the trench and the top of the high groundwater area. The depth to groundwater for Proposed lot 4 is approximately 4 feet. The applicant has requested that the septic system for proposed parcel 4 be located on proposed

7-33 L-49

parcel 1 (with an easement on proposed parcel 1 for the benefit of proposed parcel 4). Both the Building Division and the Department of Environmental Health have approved this request. An engineered system may be required to achieve Basin Plan requirements.

Impact. The project proposes to use an individual on-site septic systems to handle wastewater effluent. Because of the high groundwater on proposed parcel 4, the septic system for will be located on proposed parcel 1.

Compliance with the Basin Plan will reduce potential wastewater impacts to less than significant levels.

Mitigation/Conclusion. Compliance with the Basin Plan and locating the septic system for proposed parcel 4 on proposed parcel 1 will reduce potential wastewater impacts to less than significant levels.

Prior to recordation of the map, a private easement shall be designated on lot 1 for the benefit of lot 4 for the purposes of sewage disposal. The easement shall include a 100% expansion area.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Water Usage

Setting. Water is provided for by on-site wells and community water for the surrounding properties. The water source is the Los Osos Valley groundwater basin. The annual report of the Resource Management System identifies this aquifer as not being under any level of severity.

Impact. The project proposes to use a community system (California Cities Water Co.) as its water source for two parcels and on-site wells for the remaining three parcels as its water source. The existing number of parcels is 5 and with this Tract map the end result will also be 5 parcels. As shown below, a reasonable "worst case" indoor water usage would likely be about (11.8) acre-feet/year (afy):

5 residential lots (4 w/ primary & secondary)or 1.44 afy + 0.33 afy) X 4 lots + 1.44 = 8.52 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

Environmental Health has reviewed the project and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project.

Therefore, there are no potentially significant impacts, and no specific measures above standard requirements have been determined necessary.

Surface Water Quality

Setting/Impacts. An unnamed tributary from Los Osos Creek runs through the middle of the property. An artificial pond is also located in the center of the project site. Impacts related to runoff from new impermeable surfaces associated with new development of the five parcels will be mitigated see below.

Mitigation/Conclusion. The project will be subject to the following standard ordinance requirements to substantially reduce construction-related surface water quality impacts:

Drainage Plan - compliance with this plan (per LUO Section 22.52.080) will direct surface flows in a non-erosive manner through the site. In addition, due to the additional runoff created, a detention basin may be required, to slowly meter the additional project-related runoff in a non-erosive manner out to the watershed.

Sedimentation and Erosion Control Plan - compliance with this plan (per LUO Section 22.52.090) will minimize project's potential short-term construction and long-term erosion and sedimentation impacts to down-gradient drainages through design and/or installation or use of one or sedimentation and erosion control devices (e.g., silt fencing, straw bales, etc.).

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impacts - The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to several agencies to review for various policy consistencies. The project was found to be consistent with these documents with the following exception discussed below:

Real Property Division Ordinance. The proposed subdivision is inconsistent with design criteria g2 -

septic tanks, a letter shall be submitted from the county health department certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the parcel arrangement and sizes as shown on the tentative parcel or tract map. Both the Department of Environmental Health and the Building Division have reviewed and approved the request. The existing parcel arrangement has two parcels completely covered in sensitive vegetation and development of these parcels could potentially result in significant environmental impacts (biological and wastewater), therefore this exception is supported.

The proposed project is within the area proposed for a community-wide (for Los Osos) Habitat Conservation Plan area for protection of habitat for the Morro shoulderband snail. The project will be consistent with the community-wide habitat conservation plan (see biological resources section).

The surrounding uses are as follows: North - residential; South - residential; East - residential; West - residential. The proposed project is compatible with these surrounding uses because the proposed tract will be have parcel sizes consistent with the surrounding parcels.

Mitigation/Conclusion - No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

~~7-36~~ 1-57

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

G:\A_files\Land Divisions\2000\Tract Maps\S000184U - Tract 2343 - Tuttle\initial study.wpd

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<u>X</u>	County Public Works Department	Attached
<u>X</u>	County Environmental Health Division	Attached
<u> </u>	County Agricultural Commissioner's Office	Not Applicable
<u> </u>	County Airport Manager	Not Applicable
<u> </u>	Airport Land Use Commission	Not Applicable
<u>X</u>	Air Pollution Control District	Attached
<u> </u>	County Sheriff's Department	Not Applicable
<u> </u>	Regional Water Quality Control Board	Not Applicable
<u>X</u>	CA Coastal Commission	No response
<u> </u>	CA Department of Fish and Game	Not Applicable
<u> </u>	CA Department of Forestry	Not Applicable
<u> </u>	CA Department of Transportation	Not Applicable
<u>X</u>	Cal Cities Water	In File
<u>X</u>	San Luis Coastal School District	In File
<u>X</u>	Assessor	No response
<u>X</u>	General Services/Parks	Attached
<u>X</u>	Los Osos Community Advisory Council	Attached
<u>X</u>	Community Liaison (Mike Wulkan)	Attached

* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u> Project File for the Subject Application	<u> </u> <u> </u> Area Plan and Update EIR
<u>County documents</u>	<u> </u> <u> </u> Circulation Study
<u> </u> Airport Land Use Plans	<u>Other documents</u>
<u>✓</u> Annual Resource Summary Report	<u>✓</u> Archaeological Resources Map
<u> </u> Building and Construction Ordinance	<u>✓</u> Area of Critical Concerns Map
<u>✓</u> Coastal Policies	<u>✓</u> Areas of Special Biological
<u>✓</u> Framework for Planning (Coastal & Inland)	Importance Map
<u>✓</u> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u> California Natural Species Diversity Database
<u> </u> <u>✓</u> Agriculture & Open Space Element	<u>✓</u> Clean Air Plan
<u> </u> <u>✓</u> Energy Element	<u>✓</u> Fire Hazard Severity Map
<u> </u> <u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u> Flood Hazard Maps
<u> </u> <u>✓</u> Housing Element	<u>✓</u> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<u> </u> <u>✓</u> Noise Element	<u>✓</u> Regional Transportation Plan
<u> </u> <u>✓</u> Parks & Recreation Element	<u>✓</u> Uniform Fire Code
<u> </u> <u>✓</u> Safety Element	<u>✓</u> Water Quality Control Plan (Central Coast Basin - Region 3)
<u>✓</u> Land Use Ordinance	<u> </u> Other <u> </u>
<u>✓</u> Real Property Division Ordinance	<u> </u> Other <u> </u>
<u> </u> Trails Plan	
<u> </u> Solid Waste Management Plan	

In addition, the following project-specific information and/or reference materials have been considered

7-38 L-54

as a part of the Initial Study:

Symonds/Janssen telephone conversation, September, 2003

Tutt/Willow Street Property Habitat Assessment (Levine Fricke; June 25, 2003)

Cultural Resource Inventory (Bertrando and Bertrando; June 1, 1999)

Cultural Resource Significant Evaluation (Bertrando and Bertrando; July 30, 1999)

7-39 L-55
Exhibit B - Mitigation Summary Table

- BR-1 **Prior to recordation of the final map**, The applicant has agreed to enter into an agreement with the County to create an open space easement over the area of the site which contains freshwater wetland vegetation, central coast arroyo willow forest, oak woodland, and central dune scrub. The open space easement is approximately 10.3 acres in size (see figure 1). The terms of the open space easement disallow activities that may conflict with the long term protection of the sensitive habitat areas.
- BR-2 Minor Use Permit approval is required for all development on parcels 1-4.
- BR-3 **Prior to recordation of the map**, a building envelope shall be designated on lot 4. The building envelope must be 25 feet from the riparian and wetland vegetation.
- BR-5 **Prior to recordation of the final map**, the applicant shall submit for review and approval a Riparian Restoration plan (prepared by a qualified biologist from the County's approved list). The plan shall include identification of all exotics plants, performance standards for removal of the exotics, list of exotic plants to be removed (with minimum impact to the riparian/wetland corridor); and locations, amounts, size and types of plants to be planted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful establishment.
- BR-6 **Prior to issuance of land use permits for parcel 4**, the Riparian Restoration plan (see condition BR-4) shall be implemented.
- BR-7 **Prior to submittal of land use permits for all lots**, the applicant shall have an individual habitat conservation plan approved by the U.S. Fish and Wildlife Service or demonstrate consistence with the community-wide habitat conservation plan (once approved), or show waiver of this requirement by the U.S. Fish and Wildlife Service.
- CR-1. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
- A. List of personnel involved in the monitoring activities;
 - B. Description of how the monitoring shall occur;
 - C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - D. Description of what resources are expected to be encountered;
 - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - F. Description of procedures for halting work on the site and notification procedures;
 - G. Description of monitoring reporting procedures.
- CR-2. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- CR-3. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that

all recommended mitigation measures have been met.

- N-1 **Prior to issuance of construction permits for parcel 4**, the applicant shall demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
- Air conditioning or a mechanical ventilation system
 - Solid core exterior doors with perimeter weather stripping and threshold seals
 - Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - Roof or attic vents baffled.
- N-2 **Prior to issuance of construction permits for parcel 4**, the applicant shall provide Outdoor Noise Mitigation plan. The plan shall identify ways to mitigate noise from South Bay Boulevard in outdoor activity areas.
- N-3 **Prior to final building inspection for parcel 4**, the applicant shall implement the Outdoor Noise Mitigation plan.
- WW-1 **Prior to recordation of the map**, a private easement shall be designated on lot 1 for the benefit of lot 4 for purposes of sewage disposal. The easement shall include a 100% expansion area.

7-44 L-51

JANUARY 22, 2004

**DEVELOPER'S STATEMENT FOR
TUTT TRACT MAP S000184U/ TR 2343**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

BIOLOGICAL RESOURCES

1. **Prior to recordation of the final map**, the applicant has agreed to enter into an agreement with the County to create an open space easement over the area of the site which contains freshwater wetland vegetation, central coast arroyo willow forest, oak woodland, and central dune scrub. The open space easement is approximately 10.32 acres in size (see figure 1). The terms of the open space easement disallow activities that may conflict with the long term protection of the sensitive habitat areas.
2. **Prior to recordation of the final map**, a building envelope shall be designated on lot 4 for the primary and secondary dwellings. The building envelope must be 25 feet from the riparian and wetland vegetation.
3. **Prior to recordation of the final map**, the applicant shall submit for review and approval a Riparian Restoration plan (prepared by a qualified biologist from the County's approved list). The plan shall include identification of all exotics plants, performance standards for removal of the exotics, list of exotic plants to be removed (with minimum impact to the riparian/wetland corridor); and locations, amounts, size and types of plants to be planted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful establishment.

Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

ADDITIONAL MAP SHEET

4. **Prior to recordation of the final map**, the applicant shall prepare an additional map sheet, to be approved by the Director of Planning and Building and recorded with the final map. The additional map sheet shall include the following:
 - A. Minor Use Permit approval is required for all development on parcels 1-4.

7-42 L-58

- B. **Prior to issuance of land use permits for parcel 4**, the Riparian Restoration plan (see condition BR-4) shall be implemented.
- C. **Prior to submittal of land use permits for all lots**, the applicant shall have an individual habitat conservation plan approved by the U.S. Fish and Wildlife Service or demonstrate consistence with the community-wide habitat conservation plan (once approved), or show waiver of this requirement by the U.S. Fish and Wildlife Service.

Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

CULTURAL RESOURCES

- E. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
1. List of personnel involved in the monitoring activities;
 2. Description of how the monitoring shall occur;
 3. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 4. Description of what resources are expected to be encountered;
 5. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 6. Description of procedures for halting work on the site and notification procedures;
 7. Description of monitoring reporting procedures.

Monitoring: A monitoring plan shall be submitted by the consulting archaeologist. Compliance will be verified by the Environmental Coordinator in consultation with the Department of Planning and Building.

- F. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- G. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

9-43 L-59

Monitoring: A letter shall be submitted by the consulting archaeologist. Compliance will be verified by the Environmental Coordinator in consultation with the Department of Planning and Building.

NOISE

- H. **Prior to issuance of construction permits for parcel 4**, the applicant shall demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
- Air conditioning or a mechanical ventilation system
 - Solid core exterior doors with perimeter weather stripping and threshold seals
 - Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - Roof or attic vents baffled.

Monitoring: Construction drawings shall be reviewed and approved by the Department of Planning and Building

- I. **Prior to issuance of construction permits for parcel 4**, the applicant shall provide Outdoor Noise Mitigation plan. The plan shall identify ways to mitigate noise from South Bay Boulevard in outdoor activity areas.

Monitoring: An Outdoor Noise Mitigation plan shall be submitted to the Environmental Coordinator in consultation with the Department of Planning and Building.

- J. **Prior to final building inspection for parcel 4**, the applicant shall implement the Outdoor Noise Mitigation plan.

Monitoring: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

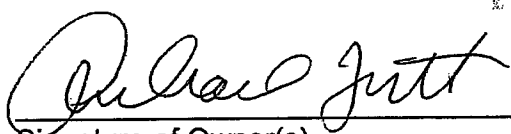
WASTEWATER

5. **Prior to recordation of the map**, a private easement shall be designated on lot 1 for the benefit of lot 4 for the purposes of sewage disposal. The easement shall include a 100% expansion area.

7-44 L-60

Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Owner(s)

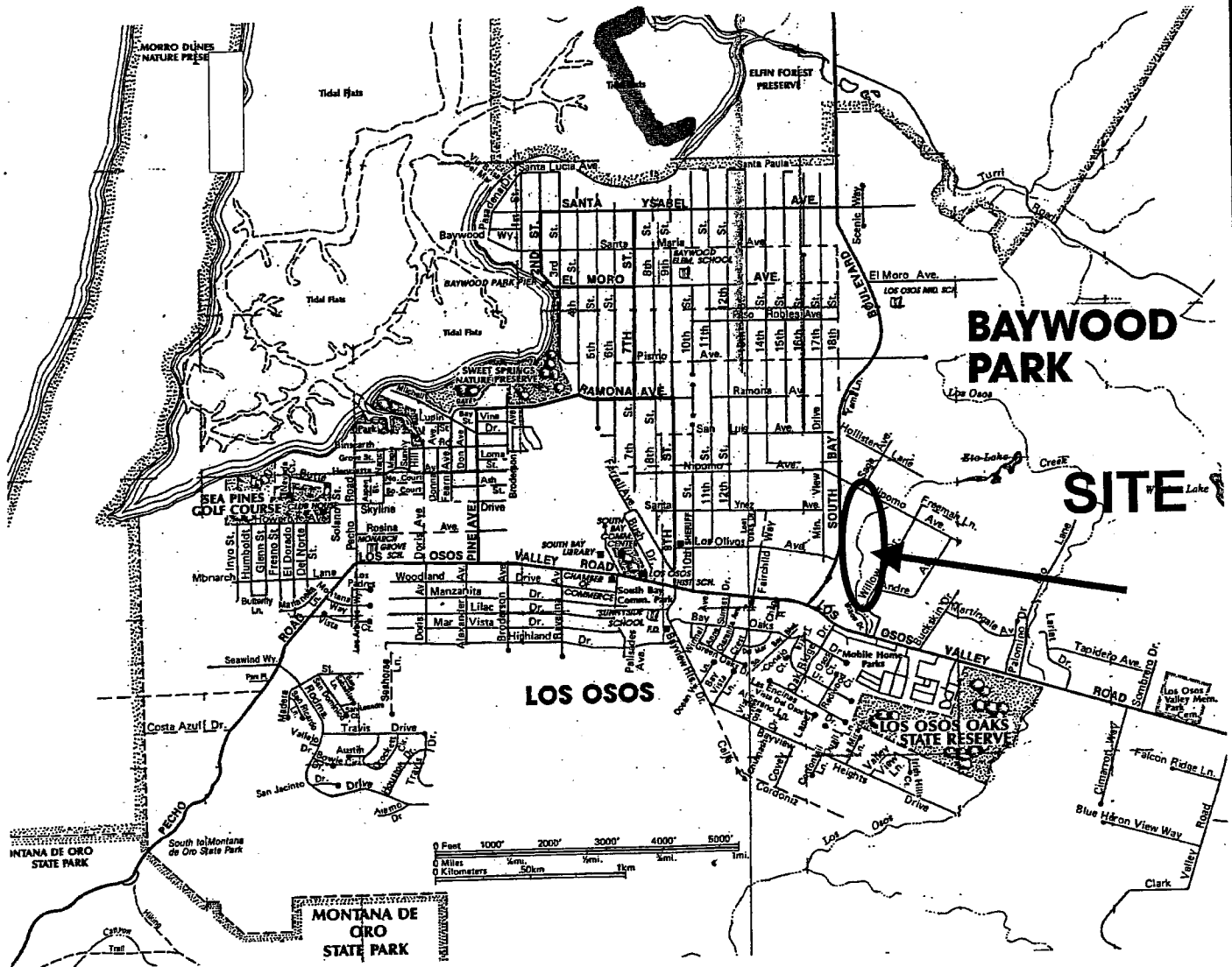
JAN 22, 2004

Date

MICHAEL E. TUTT

Name of Owner - Print

7-45 L-61



Project

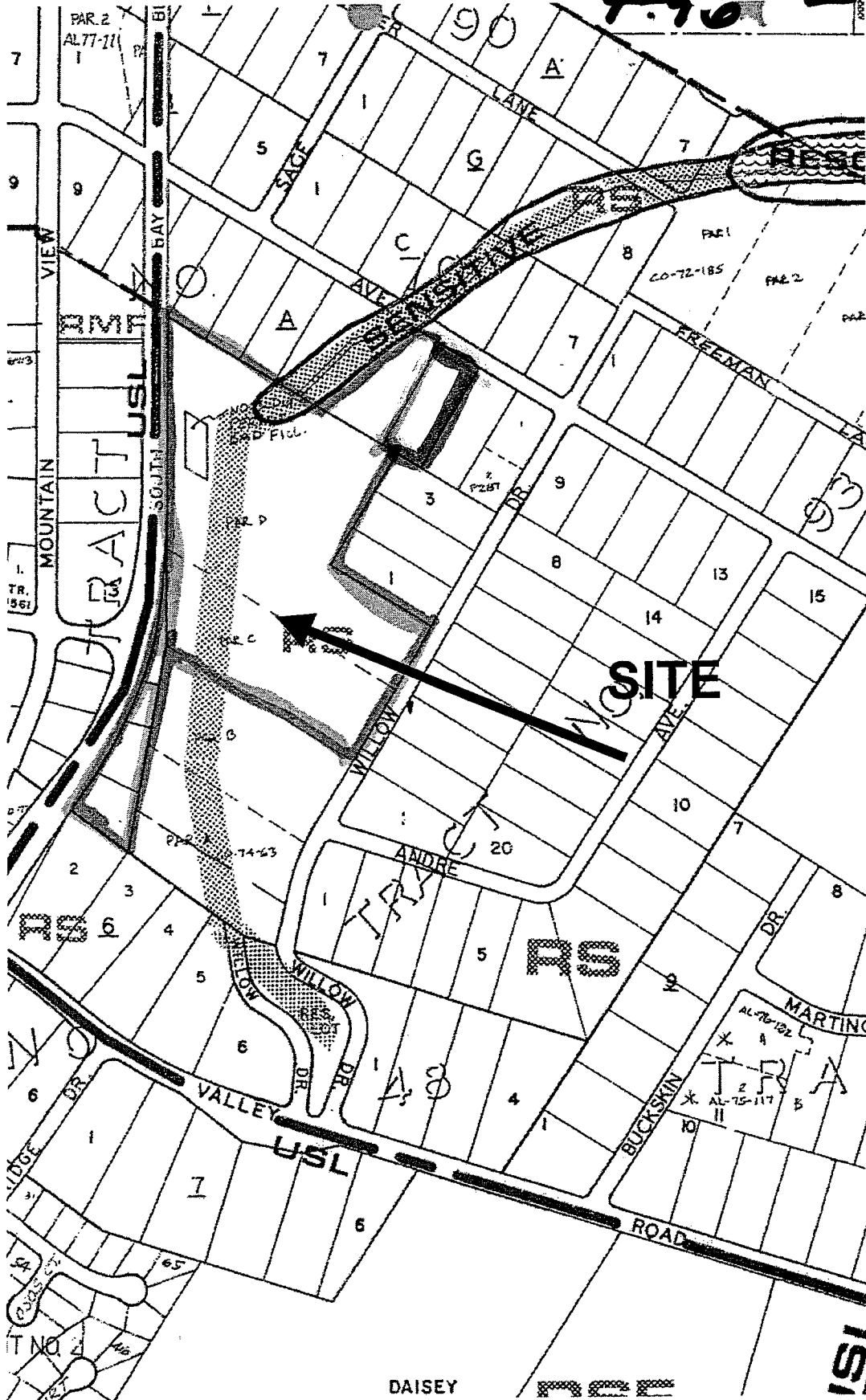
TUTT
Tract 2343/ S000184u



Exhibit

Vicinity Map

7-56 4-62



Project

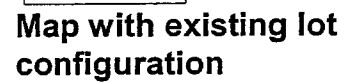
TUTT
Tract 2343/ S000184u



Exhibit

Land Use Category Map









7-50 L-66

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

AUG 15

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
THIS IS A REVISED PROJECT REFERRAL

DATE: August 13, 2003

FROM

Pub Works

Tutt S000184U / TR 2343

Project Name & Number

FROM:

Kerry O'Neill

Development Review Section (PHONE: 781-5713)

PROJECT DESCRIPTION: Adjust lot lines between 5 existing lots; Tract map due to SB497

Return this letter with your comments attached no later than August 27, 2003

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES (Please go on to PART II.)

☒ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to PART III.)

☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Application was incomplete 2 1/2 years ago. This referral does not provide missing info => No Title Report, No Revised Project Description or Statement of Explanation, what is area with cross-hatch boundary? open space or other? what happened to COAL 01-0437? Is pond legal? up to code with any needed permits? . STUCKS ATTACHED. IS PAR 4 TAKING ACCESS FROM So Bay Blvd or Willow St?

Date 23 SEP 2003

Name GOODWIN

Phone 5252

7-54 1-67
J.H. EDWARDS CO.

A REAL PROPERTY CONCERN

November 14, 2003

County of San Luis Obispo
 Office of Environmental Health
 P.O. Box 1489
 San Luis Obispo, CA 93406-1489

Attention: Laurie Salo, Environmental Specialist

Subject: Tentative Tract Map No. 2343, Willow Drive, Los Osos

Dear Ms. Salo:

Enclosed please find a copy of the tentative map and a Report of Percolation Test Results and Exploratory Borings for the above referenced project. As we discussed, the Planning & Building Department is completing their review of the lot line adjustment prior to the public hearing. In that connection, they sought your offices input concerning the proposed method of effluent disposal for Parcel 4 of the subject proposal.

By way of review, Tract 2343 provides for the adjustment of lot lines between five (5) existing legally created parcels. Given, the subject properties falls outside of the septic tank prohibition area, individual on site septic systems will be employed for sewage disposal purposes. As you know, for purposes of regulating on site systems, there is a distinct difference between a new subdivision and a project such as the proposed lot line adjustment.

The fundamental issue regarding Parcel 4, is whether, or not it is superior to transmit effluent to an adjacent parcel (ie. Parcel 1) for actual discharge, or to discharge of the effluent on site via an engineered mound system. While the the mound or "raised bed" on Parcel 4 can practically and legally satisfy the requirements for utilization, I respectfully submit, a better result will be achieved.

The primary impediment to optimal effluent disposal relates to the ground water elevation in the vicinity of the subject properties. For example, the applicant wishes to discharge effluent from the Parcel 4 building area, where ground water is around four feet (4') deep (See boring #6 depth) to an area near Willow Drive which currently maintains a ground water depth of over fourteen feet (14') and in 1999, (study date) was over ten feet (10") boring #4. The effluent from Parcel 4 would be transmitted via an underground pipe along the existing driveway alignment to the disposal area on Parcel 1.

As with and other utility easement, a document would be recorded as a matter of the title to Parcel 1 for the benefit of Parcel 4. This has been approved in the past by the Building Department and the Office of County Counsel.

P.O. Box 6070 • Los Osos, CA 93412 • Tel: (805) 528-1567 • Fax: (805) 528-4473 • Email: jhe.realproperty@thegrid.net

ACQUISITION • MARKETING • LAND USE • FINANCIAL

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Phone #		Phone #	
Fax #		Fax #	

7-52 L-68

Page 2
November 14, 2003
Laurie Salo

Other reasons I feel the easement approach is superior are as follows. A natural soil column with the greatest ground water separation should function the best, especially for the long-term if maintained properly. The mound system requires considerable design and construction skills versus a standard disposal system. The greatest possible set back from the existing pond can be achieved by discharging on Parcel 1. Lastly, there is ample open area on Parcel 1 being two (2) acres in area, to accommodate its own effluent and that from Parcel 4.

For your information, all effluent disposal systems will be designed and constructed as dual systems with provisions for ease of inspection and maintenance. All design criteria from Resolution 83-12 will be adhered to. The applicant is aware additional information may be required and that further review of specific construction plans for the individual on site septic systems including drain field designs by your office may be a condition of the lot line adjustment approval.

Please do not hesitate to contact in the event you have questions or are in need of further information. In advance, thank you for your attention to the subject request.

Sincerely,

Jeffrey H. Edwards

enclosures

c- Michael Tutt
Matt Janssen, County Planning

253-2-69



Laurie Salo

01/12/2004 09:46 AM

To: Kerry O'Neill/CountyofSLO@Wings

cc:

Subject: Re: Tutt Tract Map

Hello Kerry:

Yes, after discussions with Bob and Doug in Building it was determined that the location proposed on the adjacent parcel was something that building has approved in the past and would approve again on this project. As long as it is very clear with easements and notification to future property owners of both parcels involved that the system is on the lot in front. We still want the area large enough for 100% built and 100% area for expansion, and they would need to provide an exhibit that shows that is possible.

Thanks

Laurie

Kerry O'Neill

Kerry O'Neill

01/12/2004 08:03 AM

To: Laurie Salo/CountyofSLO@Wings

cc:

Subject: Tutt Tract Map

Laurie,

I received a message from you concerning the Tutt Tract map (TR 2343) at the end of last year. I just wanted to verify that you have reviewed and approved the off-site septic disposal for lot 4? Please confirm. Thanks.

Kerry O'Neill

Coastal Planning and Permitting

County of San Luis Obispo



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

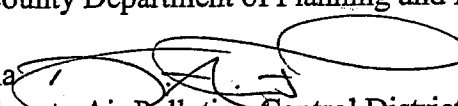
RECEIVED

AUG 29 2003

Planning & Bldg

DATE: August 27, 2003

TO: Kerry O'Neill
San Luis Obispo County Department of Planning and Building

FROM: Dominic A. Farinha 
San Luis Obispo County Air Pollution Control District

SUBJECT: Lot Line Adjustment -- Tutt S000184U / TR 2343

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project (adjusting lot lines between 5 lots) located at 2079 Willow Drive. We have the following comments on the proposal.

District staff have evaluated the project and determined that it will likely fall below the District's CEQA air quality thresholds for significant air quality impacts. This development's density will be below the seven homes per acre density recommended in the District's Clean Air Plan, Land Use and Circulation Management Strategies. Higher density development in urban centers is encouraged, along with a balance of jobs and housing, in order to reduce the number of car trips and vehicle miles traveled, and to increase the viability of alternative transportation, thus reducing vehicle emissions.

Despite the low density development proposed in the future for this site, we would like to commend the developer for the dedication of over ten (10) acres to permanent open space which will expand the greenbelt area around the Los Osos community.

On page 2 of the letter from Jeff Edwards to the County of San Luis Obispo, dated January 25, 2001, it is stated that the applicant has agreed to complete an EIR to evaluate the potential environmental impacts from the proposed project. While impacts to air quality will be evaluated in such a document, the following information is provided to direct the applicant toward areas of potential concern.

CONSTRUCTION PHASE

Dust Mitigation

The project as described in the referral will not likely exceed the District's CEQA significance thresholds for construction phase emissions. However, construction activities can generate fugitive dust which could cause a nuisance to local residences, roadways and businesses in close proximity to the proposed construction site. District staff recommend the following measures be incorporated into the project to control dust.

- A. Reduce the amount of the disturbed area where possible;
- B. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increasing watering frequency whenever wind speeds exceed 15 MPH. Reclaimed (non-potable) water should be used whenever possible;

~~7-55~~ L-71

- C. All dirt stock-pile areas should be sprayed daily as needed;
- D. Permanent dust control measures identified in the approval project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- E. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- F. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD
- G. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- H. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- I. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- J. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- K. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used when feasible.

All PM10 mitigation measures required must be included on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the site.

Naturally Occurring Asbestos

Asbestos has been identified by the state Air Resources Board (ARB) as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, a geologic evaluation will be necessary to determine if naturally occurring asbestos is present. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects.

7-56 L-72

Please refer to the District web page at <http://www.slcleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of the APCD Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Construction Equipment Emissions

The use of construction equipment for the removal of the exotic and evasive plants and for the expansion of the man-made pond will require air quality analysis in order to determine the level of combustion emissions expected. The California Air Resources Board (ARB) has listed diesel particulate matter as a toxic air contaminant with no identified threshold level below which there are no significant effects. Therefore, the District is very concerned with projects that will produce large amounts of diesel exhaust near public use areas. As more information becomes available on the use of construction equipment at this site, the District should be included to perform a more accurate impact analysis.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

DAF/HAT/sll

cc: Karen Brooks, APCD Enforcement Division



257 L-73

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED DAICP
DIRECTOR

SEP 17 2003

Planning & Bldg

THIS IS A REVISED PROJECT REFERRAL

DATE: August 13, 2003 09/16/03

FROM: Parks Jan

Tutt S000184U / TR 2343

Project Name & Number

FROM: Kerry O'Neill
Development Review Section (PHONE: 781-5713)

PROJECT DESCRIPTION: Adjust lot lines between 5 existing lots; Tract map due to SB497

Return this letter with your comments attached no later than August 27, 2003

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to PART II.)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to PART III.)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Require the applicant to pay penalty and applicable Building Division fees.

Please note - no public trail is requested or required.

09/16/03

Date

JAN Di Leo

Name

X4089

Phone

~~758~~ L-74



Mike Wulkan

09/29/2003 04:01 PM

To: Kerry O'Neill/CountyofSLO

cc:

Subject: LOCAC recommendations: Tutt and Sea Pines

Hi Kerry,

Here are LOCAC's recommendations on the Tutt LLA and Sea Pines expansion:

Tutt: recommend approval as proposed (8-0)

Sea Pines: recommend approval with the condition that the restroom be relocated--potentially between the greens on Holes 3 and 5, and the tee for Hole 4--with consent of Sunset Terrace homeowners. Vote: 7-1

-Gary Karner expressed a concern about noise from the tennis courts in the early a.m. We might want to consider limits on operating hours.

-Please note the 50' setback from the property line for unlit tennis courts in 23.08.070--100' setback for lit courts.

Mike Wulkan

Senior Planner

San Luis Obispo County Department of Planning and Building